



ADMINISTRATIVE RULES OF MONTANA



36.2.543 PUBLIC HEARINGS

- (1) Whenever a public hearing is held on an EIS or an EA, the agency shall issue a news release legal notice to newspapers of general circulation in the area to be affected by the proposed action prior to the hearing. The news release or legal notice must advise the public of the nature of testimony the agency wishes to receive at the hearing. The hearing must be held after the draft EIS has been circulated and prior to preparation of the final EIS. A hearing involving an action for which an EA was prepared must be held after the EA has been circulated and prior to any final agency determinations concerning the proposed action. In cases involving an applicant, the agency shall allow an applicant a reasonable time to respond in writing to comments made at a public hearing, notwithstanding the time limits contained in ARM 36.2.532. The applicant may waive his right to respond to comments made at a hearing.
- (2) In addition to the procedure in (1) above, the agency shall take such other steps as are reasonable and appropriate to promote the awareness by interested parties of a scheduled hearing.
- (3) The agency shall hold a public hearing whenever requested within 20 days of issuance of the draft EIS by either:
 - (a) 10% or 25, whichever is less, of the persons who will be directly affected by the proposed action;
 - (b) by another agency which has jurisdiction over the action;
 - (c) an association having not less than 25 members who will be directly affected by the proposed action: or
 - (d) the applicant, if any.
- (4) In determining whether a sufficient number of persons have requested a hearing as required by subsection (3) , the agency shall resolve instances of doubt in favor of holding a public hearing.
- (5) No person may give testimony at the hearing as a representative of a participating agency. Such a representative may, however, at the discretion of the hearing officer, give a statement regarding his or her agency's authority or procedures and answer questions from the public.
- (6) Public meetings may be held in lieu of formal hearings as a means of soliciting public comment on an EIS where no hearing is requested under (3) above. However, the agency shall provide adequate advance notice of the meeting; and, other than the degree of formality surrounding the proceedings, the objectives of such a meeting are essentially the same as those for a hearing.

Implementing statute(s): Sec. 2-3-104, 75-1-201, MCA

History: NEW, 1988 MAR p. 2692, Eff. 12/23/88.